



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/719,475

11/21/2003

Nicholas S. Huslak

030339 (BLL-0117)

3632

36192

7590

11/26/2008

AT&T Legal Department

Attn: Patent Docketing

Room 2A-207

One AT&T Way

Bedminster, NJ 07921

EXAMINER

BLACK, LINH

ART UNIT

PAPER NUMBER

2169

MAIL DATE

DELIVERY MODE

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,475	Applicant(s) HUSLAK ET AL.	
	Examiner LINH BLACK	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 09 September 2008.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1, 3-6, 8-11, 13-16, 18-21 and 23-29 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1, 3-6, 8-11, 13-16, 18-21, 23-29 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This communication is responsive to the Applicants' Amendment dated 9/9/08.

Claims 1, 3-11, 13-21, 23-29 are pending in the application. Claims 1, 11, and 21 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 8-11, 13-16, 18-21, 23-29 are rejected under 35

U.S.C. 102(e) as being anticipated by Logan et al. (US 2003/0093790).

As per claim 1, Logan et al. teach

gathering a list of available programming data from a server; storing the list of available programming data in a database – pars. 93, 260, 264-265, 280.

gathering program recommendation guides from third parties and storing the program recommendation guides in a recommendation guide database, the

program recommendation guides comprising lists of programming data recommended by the third parties – pars. 142-143, 163-164, 476.

presenting a user interface to a the customer entity along with the program recommendation guides – pars. 140, 282, 312.

receiving from the customer entity at least one selection from the program recommendation guides and storing the at least one selection in a customer preference database; receiving a request from said customer entity for an on-screen program listing - 88, 117-118, 272, 374, 415.

processing the request by comparing a list of recommended programming data of the at least one program recommendation guide selection with the list of available programming data and modifying an available on-screen program listing of the list of available programming data according to the list of recommended programming data of said at least one program recommendation guide selection – pars. 163-164, 274, 393-394.

presenting a filtered on-screen program listing to the customer entity resulting from the processing – pars. 463-464, 473.

automatically signaling a personal recording device to record a program on behalf of the customer entity – pars. 225, 393, 415.

the user interface includes an option to enable the customer to globally turn off...presenting otherwise blocked titles to the customer when the option is turned off – pars. 123-128 (based on the user's preference data, presenting a

program guide containing or highlighting segments of interest from which the user can make the final program selection, therefore users do not need to access to edit previously selected customer preferences. The option to turn on or off is right on guide displayed on the screen.)

As per claim 3, Logan et al. teach

transmitting a program signal to the customer entity in response to a request to view a program listed on the filtered program listing – pars. 96, 128, 142, 163-164.

As per claim 4, Logan et al. teach

generating a custom program recommendation guide by the host system using the available programming data and storing said custom program recommendation guide in said database – pars. 95, 105, 128, 264.

As per claim 5, Logan et al. teach

deleting programs ...; retaining any programs appearing as acceptable programs on the list of recommended...; handling programs not otherwise dealt with by the at least one program recommendation guide selection in accordance with instructions provided by the customer entity – pars. 116-117, 140-143, 163-164, 274.

As per claim 6, Logan et al. teach

wherein said third parties include external sources comprising at least one of: a film institute; a magazine; a religious organization; a topical web site; a video store; and a commercial business – pars. 142, 162-164, 394, 464.

As per claim 8, Logan et al. teach

presenting a filtered on-screen program listing in accordance with an access level granted to an account member, said access level extending or limiting access to view program listings – pars. 419, 435-436, 503-504.

As per claim 9, Logan et al. teach

wherein the transmitting a program signal to said customer entity in response to a request to view a program further includes transmitting the program signal in accordance with an access level granted to an account member, the access level extending or limiting access to view a program – pars. 47, 435-436.

As per claim 10, Logan et al. teach

signaling the personal recording device in accordance with an access level granted to an account member, the access level extending or limiting access to record a program or view an already recorded program – pars. 419, 503-506.

Claims 11, 13-21, 23-29 claim the same subject matter as of claims 1, 3-10 and are rejected based on the same ground of rejection.

Response to Arguments

Applicant's arguments filed 9/9/08 have been fully considered but they are not persuasive. Please see the above rejection for the newly added limitation.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LINH BLACK
Examiner
Art Unit 2169

November 24, 2008
/HUNG Q. PHAM/
Primary Examiner, Art Unit 2169